

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-20319

ROY EDWARD BROWNLEE,

Defendant.

ORDER DIRECTING THE GOVERNMENT TO FILE A SUPPLEMENTAL BRIEF

Defendant Roy Edward Brownlee was convicted by jury on September 15, 2016, of conspiring to distribute controlled substances with death resulting, 21 U.S.C. §§ 841(a)(1), 846, distributing controlled substances, 21 U.S.C. § 841(a)(1), being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1), willfully engaging in a firearms business without a firearms dealer license, 18 U.S.C. § 922(a)(1)(A), and attempting to distribute controlled substances, 21 U.S.C. §§ 841(a)(1), 846. (ECF No. 84, PageID.1066.) On February 9, 2017, the court sentenced him to 360 months imprisonment. (*Id.*, PageID.1067.)

Defendant has filed a “Motion to Reduce Sentence.” (ECF No. 136.) He argues that the health risk presented by the Coronavirus Disease (“COVID-19”) at his location of confinement, FCI Gilmer, warrants compassionate release under 18 U.S.C. § 3582(c)(1)(A).

The government filed a response opposing the motion but did not state Defendant’s COVID-19 vaccination status. (ECF No. 140.) The Bureau of Prisons

("BOP") has made substantial progress distributing COVID-19 vaccines to the federal prison population. FCI Gilmer has an inmate population of 1,531. *FCI Gilmer*, Federal Bureau of Prisons, <https://www.bop.gov/locations/institutions/gil/> (last visited May 10, 2021). Out of that total, 942 inmates are fully vaccinated, and, at FCI Gilmer, there are no active cases of COVID-19 among inmates. *COVID-19: Coronavirus*, Federal Bureau of Prisons, <https://www.bop.gov/coronavirus/> (last visited May 10, 2021).

Defendant's vaccination status is a significant consideration in determining whether compassionate release is warranted. See 18 U.S.C. § 3582(c)(1)(A) (requiring that a prisoner have "extraordinary and compelling" circumstances to obtain compassionate release). If Defendant is fully vaccinated, or if Defendant has been given an opportunity to be vaccinated, that fact will impact the court's analysis of his motion to reduce sentence. Thus, the court will direct the government to file a supplemental brief stating whether Defendant has been offered a COVID-19 vaccine and whether he has been vaccinated. In the supplemental brief, the government must provide citations to medical records, affidavits, or other supportive material. Accordingly,

IT IS ORDERED that the government is DIRECTED to file a supplemental brief by **May 28, 2021**, stating, with citations to appropriate support, whether Defendant has been offered a COVID-19 vaccine and whether he has received a COVID-19 vaccine.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 10, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 10, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk

(810) 292-6522

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